

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

LINDA FAIRBANKS,

Plaintiff,

v.

AETNA LIFE INSURANCE CO., et al.,

Defendants.

Case No. 1:16-cv-1084

Diott, J.
Bowman, M.J.

REPORT AND RECOMMENDATION

All parties have jointly moved to dismiss, without prejudice, Defendant Cincinnati Hamilton County Community Action Agency Long-Term Disability Plan (the "Plan") as a Defendant in the above-referenced matter. All parties agree that the long-term disability benefits provided under the Plan are insured by Defendant, Aetna Life Insurance Company ("Aetna") pursuant to the group disability policy it issued, and the parties further agree that Aetna will not assert that the Plan is either a necessary or indispensable party to this litigation.

Accordingly, it is **RECOMMENDED** that the joint motion of the parties (Doc. 9) be GRANTED and that all claims against Defendant Cincinnati Hamilton County Community Action Agency Long-Term Disability Plan (the "Plan") be DISMISSED without prejudice at this time. Plaintiff's claims against Aetna Life Insurance Company shall continue to proceed.

s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation ("R&R") within **FOURTEEN (14) DAYS** after being served with a copy thereof. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent's objections within **FOURTEEN DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).